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## LAW DEPARTMENT

### NOTIFICATION

The 2nd February 2009

No. 1681—I-Legis.-L.—The following Ordinance promulgated by the President and published by the Government of India, Ministry of Law and Justice (Legislative Department) in the Gazette of India, Extraordinary, Part II, Section I, dated the 9th January, 2009 is hereby republished for general information.

By order of the Governor

B. K. NAYAK

Principal Secretary to Government

## MINISTRY OF LAW AND JUSTICE ( Legislative Department )

*New Delhi, the 9th January, 2009/Pausa 19, 1930 (Saka)*

## THE HIGH COURT AND SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT ORDINANCE, 2009

( No. 1 of 2009 )

*Promulgated by the President in the Fifty-ninth Year of the Republic of India*

An Ordinance further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958.

WHEREAS a Bill further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 has been introduced in the House of the People, but has not been passed;

AND WHEREAS, Parliament is not in session and the President is satisfied that the circumstances exist which render it necessary for her to take immediate action to give effect to the provisions of the said Bill;

Now, therefore, in exercise of the powers conferred by Clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

## CHAPTER I

### PRELIMINARY

Short title and commencement. **1. (1)** This Ordinance may be called the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Ordinance, 2009.

(2) Sections 2, 3, 4, 7, 8, 9, 10 and 13 shall be deemed to have come into force on the 1st day of January, 2006 and the remaining provisions of this Ordinance, shall be deemed to have come into force on the 1st day of September, 2008.

## CHAPTER II

### AMENDMENT OF THE HIGH COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1954

Amendment of Section 13A. **2.** In the High Court Judges (Salaries and Conditions of Service) Act, 1954 (hereinafter referred to as the High Court Judges Act), in Section 13A,— 28 of 1954.

(a) in sub-section (1), for the words “thirty thousand rupees per mensem”, the words “ninety thousand rupees per mensem” shall be substituted;

(b) in sub-section (2), for the words “twenty-six thousand rupees per mensem”, the words “eighty thousand rupees per mensem” shall be substituted.

Amendment of Section 17A. **3.** In Section 17A of the High Court Judges Act, in sub-section (1),—

(a) the words “plus fifty per cent of his dearness pay” shall be omitted.

(b) the words “plus thirty per cent of his dearness pay subject to a minimum of one thousand nine hundred and thirteen rupees per month” shall be omitted;

Insertion of new Section 17B. **4.** After Section 17A of the High Court Judges Act, the following section shall be inserted, namely :—

Additional quantum of pension or family pension. “17B. Every retired Judge or after his death, the family, as the case may be, shall be entitled to an additional quantum of pension or family pension in accordance with the following scale :—

Age of pensioner or family pensioner	Additional quantum of pension or family pension
From eighty years to less than eighty-five years.	Twenty per cent of basic pension or family pension.
From eighty-five years to less than ninety years.	Thirty per cent of basic pension or family pension.
From ninety years to less than ninety-five years.	Forty per cent of basic pension or family pension.
From ninety-five years to less than hundred years.	Fifty per cent of basic pension or family pension.
From hundred years or more.	Hundred per cent of basic pension or family pension".

Amendment of Section 22A. **5.** In Section 22A of the High Court Judges Act, in sub-section (2), the words "plus thirty per cent of the dearness pay" shall be omitted.

Substitution of new Section for Section 22C. **6.** In the High Court Judges Act, for Section 22C, the following section shall be substituted, namely :—

"22C. The Chief Justice and each of the other Judges of every High Court shall be entitled to a sumptuary allowance of fifteen thousand rupees per month and twelve thousand rupees per month respectively".

Amendment of First Schedule. **7.** In the First Schedule to the High Court Judges Act,—

(a) In Part I,—

(i) in paragraph 2,—

(A) in Clause (a), for the letters and figures "Rs.21,945", the letters and figures "Rs.43,890" shall be substituted;

(B) in Clause (b), for the letters and figures "Rs. 16,725", the letters and figures "Rs.34,350" shall be substituted;

(C) in the proviso, for the letters and figures "Rs. 2,70,000" and "Rs. 2,34,000", the letters and figures "Rs. 5,40,000" and "Rs. 4,80,000" shall, respectively, be substituted;

(ii) in paragraph 8, for the letters and figures "Rs.2,70,000", the letters and figures "Rs.5,40,000" shall be substituted;

(iii) in paragraph 9, for the letters and figures "Rs.76,785", the letters and figures "Rs. 1,57,670" shall be substituted;

## (b) In Part II,—

(i) in the proviso to paragraph 2, for the letters and figures “Rs.2,70,000” and “Rs.2,34,000”, the letters and figures “Rs.5,40,000” and “Rs.4,80,000” shall, respectively, be substituted;

(ii) in paragraph 3, for the figures “16,898”, “20,280”, “23,649”, “27,033”, “30,420” and “33,799”, the figures “34,696”, “41,642”, “48,559”, “55,508”, “62,462” and “69,402” shall, respectively, be substituted;

## (c) In Part III, in paragraph 2,—

(A) in Clause (b) for the letters and figures “Rs.7,800”, the letters and figures “Rs. 16,020” shall be substituted;

(B) in the proviso, for the letters and figures “Rs.2,70,000” and “Rs.2,34,000”, the letters and figures “Rs.5,40,000” and “Rs.4,80,000” shall, respectively, be substituted.

## CHAPTER III

## AMENDMENT OF THE SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1958

Amendment of Section 12A. **8. In the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958** (hereinafter referred to as the Supreme Court Judges Act), in <sup>41</sup> of 1958. Section 12A,—

(a) in sub-section (1), for the words “thirty-three thousand rupees per mensem”, the words “one lakh rupees per mensem” shall be substituted;

(b) in sub-section (2), for the words “thirty thousand rupees per mensem”, the words “ninety thousand rupees per mensem” shall be substituted.

Amendment of Section 16A. **9. In Section 16A of the Supreme Court Judges Act, in sub-section (1),—**

(i) in Clause (a), the words “plus fifty per cent of his dearness pay” and “plus thirty per cent of his dearness pay” shall be omitted;

(ii) in Clause (b), the words “plus thirty per cent of his dearness pay” shall be omitted;

Insertion of new Section 16B. **10. After Section 16A of the Supreme Court Judges Act, the following section shall be inserted, namely :—**

“16B. Every retired Judge or after his death, the family, as the case may be, shall be entitled to an additional quantum of pension or family pension in accordance with the following scale :—

Additional quantum of pension or family pension.

Age of pensioner or family pensioner	Additional quantum of pension or family pension
From eighty years to less than eighty-five years.	twenty per cent of basic pension or family pension.
From eighty-five years to less than ninety years.	thirty per cent of basic pension or family pension.
From ninety years to less than ninety-five years.	forty per cent of basic pension or family pension.
From ninety-five years to less than hundred years.	fifty per cent of basic pension or family pension.
From hundred years or more.	hundred per cent of basic pension or family pension.

Amendment of Section 23. **11.** In Section 23 of the Supreme Court Judges Act, in sub-section (1A), the words "plus thirty per cent of the dearness pay" shall be omitted.

Amendment of Section 23B. **12.** In Section 23 B of the Supreme Court Judges Act, for the words "ten thousand" and "seven thousand five hundred", the words "twenty thousand" and "fifteen thousand" shall, respectively, be substituted.

Amendment of the Schedule. **13.** In the Schedule to the Supreme Court Judges Act,—

(a) in Part I,—

(i) in paragraph 2,—

(A) in Clause (b), for the letters and figures "Rs.6,030", "Rs. 1,82,820" and "Rs. 15,360", the letters and figures "Rs. 12,180", "Rs.3,69,300" and "Rs.31,030" shall, respectively, be substituted;

(B) in the proviso, for the letters and figures "Rs.2,97,000", the letters and figures "Rs.6,00,000" shall be substituted;

(ii) in the proviso to paragraph 3, for the letters and figures "Rs.2,70,000", the letters and figures "Rs.5,40,000" shall be substituted;

(b) in Part II, in paragraph 2, in Clause (b), for the letters and figures "Rs. 16,898", the letters and figures "Rs.33,795" shall be substituted;

(c) in Part III, in paragraph 2,—

(A) in Clause (b), for the letters and figures "Rs.7,800", the letters and figures "Rs. 16,020" shall be substituted;

(B) in the proviso, for the letters and figures "Rs. 2,97,000" and "Rs.2,70,000", the letters and figures "Rs. 6,00,000" and "Rs.5,40,000" shall, respectively, be substituted.

## CHAPTER IV

## TRANSITIONAL PROVISION

Arrears.

**14.** The difference of salary, pension and family pension payable to a Judge of High Court or to his family, as the case may be, under the High Court Judges Act or a Judge of the Supreme Court or his family, as the case may be, under the Supreme Court Judges Act as amended by this Ordinance and the salary, pension or family pension payable to such Judge or his family, as the case may be, but for this Ordinance shall be paid in two instalments, the first instalment of forty per cent to be paid during the current financial year 2008-09 and the remaining sixty per cent to be paid in the financial year 2009-10.

PRATIBHA DEVISINGH PATIL,  
President.

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T. K. VISWANATHAN,  
Secretary to the Govt. of India.